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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,617	09/10/2003	Roger C. Thede	01845.0022-US-C1	5568

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EXAMINER

MALLARI, PATRICIA C

ART UNIT PAPER NUMBER

3736

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,617	<b>Applicant(s)</b> THEDE ET AL.	
	<b>Examiner</b> Patricia C. Mallari	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 11 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a final Office action. No new grounds of rejection have been presented.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 1/6/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,6945,789 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated over US Patent No. 5,941,828 to Archibald et al., herein referred to as Archibald '828. Archibald '828 describes a sensor interface assembly for a blood pressure measurement device. The device comprises a housing unit 14, a base unit 22 pivotally connected to the housing unit 14 and including electrical circuitry 24, 26, 30 interconnected with the housing unit 14, and a sensing unit 30 for sensing pulses of the underlying artery and detachably connected to the base unit 22 (figs. 1, 3a & 3b; col. 4, lines 36-49; col. 5, lines 20-23; col. 6, lines 7-14; col. 87, line 65-col. 8, line 21 of Archibald '828).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archibald '828, as applied to claim 7 above, and further in view of US Patent No. 4,632,121 to Johnson et al. Archibald '828 is silent as to the details of the plug. However, Johnson describes a plug for a medical device comprising a plurality of electrical connectors 42, 44, 46 (fig. 2 of Johnson). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the plug and receptacle construction of Johnson as that of Archibald '828 since Archibald '828 teaches using a plug and receptacle and Johnson describes an appropriate such plug and receptacle and further to ensure matching of the plug and receptacle to prevent any erroneous connection (col. 4, lines 17-20 and lines 30-35 of Johnson).

Regarding claim 9, the plug employs alignment elements, comprising terminal pins 42, 44, 46 and a perimeter configuration of the recesses 38, 40, in a plug comprising an electrical connector for a medical device, wherein the alignment elements align the electrical connector with a corresponding receptacle (figs. 2, 7; col. 4, lines 11-20 of Johnson).

***Response to Arguments***

Applicant's arguments filed 1/6/06 have been fully considered but they are not persuasive.

With regard to the rejection of claim 7 as being anticipated by Archibald '828, the applicants state that transducer 30 is not a sensing unit for sensing pulses of the underlying artery and merely senses fluid pressure communicated to it within a sensor assembly. However, it is clear that, when the device of Archibald '828 is placed such that the diaphragm 168b is over an artery, as shown in figure 1 of Archibald '828, pulses of the underlying artery are transmitted to the transducer 30 via the fluid within the chambers 210, 208 and the diaphragm 168b (fig. 3B; col. 6, lines 8-19; col. 7, line 66-col. 8, line 21 of Archibald '828). Therefore, the transducer 30 is indeed a sensing unit for sensing pulses of the underlying artery. The applicants further argue that the sensing unit is not detachably connected to the base unit because it resides in an insert 272 in the top plate 150 of the base unit. Archibald '828 describes the nature of attachment of the top plate 150 and the transducer 30 by saying that the transducer 30 is placed in inset 272 in top plate 150 (col. 6, lines 7-11 of Archibald '828). Because the term "placed" and not "adhered" or "glued" is used to describe the attachment, it is assumed that such placement in the inset does not involve any outside force adhering the transducer to the top plate and that the transducer may be detached easily by merely removing the transducer from its placement. Additionally, since the term "detachable" merely means that an item can be separated or removed from another, any two distinct items are detachable from one another regardless of the amount of force required to

remove or separate the items. Even if some attachment means were used to attach the transducer and the top plate, the two items would still be detachable.

Therefore, the rejection of claims 7-9 as being anticipated by Archibald '828 and being unpatentable over Archibald '828 in view of Johnson stands.

### ***Allowable Subject Matter***

Claims 1-6 and 11 are allowed.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for allowance of claims 1-6, 10, and 11 were previously addressed in an Office action filed 10/4/05.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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